



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Carlos LOPEZ-Garcia,

Defendant.

) Mag. Case No.

'08 MJ 8139

) COMPLAINT FOR VIOLATION OF:

) Title 8, U.S.C., Section 1326

) Deported Alien Found In the United States

The undersigned complainant, being duly sworn, states:

On or about February 13, 2008, within the Southern District of California, defendant Carlos LOPEZ-Garcia, an alien, who previously had been excluded, deported, and removed from the United States to Mexico was found in the United States, without the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States code, section 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8, United States Code, Section 1326.

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

MARCO A. MIRANDA
Senior Patrol Agent

SWORN TO BEFORE AND SUBSCRIBED IN MY PRESENCE THIS 14th DAY OF
FEBRUARY 2008.

PETER C. LEWIS
United States Magistrate Judge

1 UNITED STATES OF AMERICA

2 v.

3 Carlos LOPEZ-Garcia

4 STATEMENT OF FACTS

5 The complainant states that this complaint is based upon the statements of the
6 apprehending Border Patrol Agent, J. Saracco, that the Defendant was found and arrested on
7 February 13, 2008 near Westmorland, California.

8 BPA Saracco was performing traffic observation duties on Highway 86 near
9 Westmorland, California. BPA Saracco noticed a subject later identified as Carlos LOPEZ-
10 Garcia walking along the side of the road. BPA Saracco identified himself as a Border Patrol
11 Agent and questioned LOPEZ as to his immigration status to be in the United States. LOPEZ
12 stated that he is a citizen of Mexico and illegally in the United States. LOPEZ was placed under
13 arrest.

14 Record checks revealed that an Immigration Judge ordered LOPEZ deported to Mexico
15 from the United States on April 15, 1993. Record checks also revealed that LOPEZ has an
16 extensive criminal and immigration record.

17 There is no evidence LOPEZ has sought or received permission from the Attorney
18 General or the Secretary of the Department of Homeland Security to re-enter the United States.